

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ADAPTIX, INC.,**

Plaintiff,

V.

**ALCATEL-LUCENT USA, INC. and  
AT&T MOBILITY LLC,**

Defendants.

Civil Action No. 6:12-cv-0022 (LED)

## JURY TRIAL DEMANDED

**PLAINTIFF'S REPLY TO THE FIRST AMENDED ANSWER,  
AFFIRMATIVE DEFENSES AND COUNTERCLAIMS OF  
DEFENDANT ALCATEL-LUCENT USA, INC.**

Plaintiff, ADAPTIX, Inc. (“ADAPTIX”), replies to the First Amended Answer, Affirmative Defenses and Counterclaims of defendant, Alcatel-Lucent USA, Inc. (“ALU”), as follows:

## COUNTERCLAIMS

30. Admitted.

31. Admitted.

**COUNT I**

32. Admitted.

33. Denied.

34. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT II**

- 35. Admitted.
- 36. Denied.
- 37. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT III**

- 38. Admitted.
- 39. Denied.
- 40. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT IV**

- 41. Admitted.
- 42. Denied.
- 43. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT V**

- 44. Admitted.
- 45. Denied.
- 46. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT VI**

- 47. Admitted.
- 48. Denied.

49. Denied.

50. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT VII**

51. Admitted.

52. Denied.

53. Denied.

54. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT VIII**

55. Admitted.

56. Denied.

57. Denied.

58. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT IX**

59. Admitted.

60. Denied.

61. Denied.

62. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**COUNT X**

63. Admitted.

64. Denied.

65. Denied.

66. SmartPhone admits that ALU requests such relief but denies that ALU is entitled thereto.

**PRAYER FOR RELIEF**

**WHEREFORE**, ADAPTIX respectfully requests that this Court:

- A. Enter judgment in favor of ADAPTIX on all issues set forth in ALU's Answer, Affirmative Defenses and Counterclaims;
- B. Deny all relief requested in ALU's Answers, Affirmative Defenses and Counterclaims;
- C. Grant the relief requested by ADAPTIX in its Complaint, and
- D. Grant ADAPTIX such further relief as this Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

ADAPTIX demands trial by jury on all issues raised in ALU's Counterclaims so triable.

Date: May 8, 2012

**ADAPTIX, INC.**

By: /s/ Paul J. Hayes (w/permission Wes Hill)

Paul J. Hayes – LEAD ATTORNEY

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**ATTORNEYS FOR THE PLAINTIFF**

**ADAPTIX, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 8th day of May, 2012.

/s/ Wesley Hill

Wesley Hill